

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HUVEPHARMA EOOD and
HUVEPHARMA, INC.,

Plaintiffs;

v.

BASF CORPORATION and
BASF SE,

Defendants.

C.A. No. 20-513-RGA

**STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS PENDING
APPEAL OF THE INTER PARTES REVIEW DECISION**

WHEREAS, Plaintiffs Huvepharma EOOD and Huvepharma, Inc. (“Plaintiffs”) filed their complaint against Defendants BASF Corporation and BASF SE (collectively “Defendants”) asserting U.S. Patent No. 8,993,300 (the “300 patent”) on April 15, 2020 (the “Complaint”);

WHEREAS, the parties in the above-captioned matter agreed, and the Court ordered, that Defendants would answer, move, or otherwise respond to the Complaint by August 10, 2020 (D.I. 7);

WHEREAS, BASF SE agreed to accept service of process and waive its defenses for service of process and insufficiency of process under Fed. R. Civ. P. 12(b)(4) and 12(b)(5), and expressly reserved any objections to personal jurisdiction or venue (D.I. 7);

WHEREAS, proceedings in the matter of *HuvePharma EOOD, et al. v. E.I. DuPont Nemours and Company, et al.*, C.A. No. 18-914-RGA (the “Related Matter”) were stayed on August 21, 2019, due to the *Inter Partes Review* (“IPR”) proceedings in the United States Patent Trial and Appeal Board (“PTAB”);

WHEREAS, in *Associated British Foods PLC v. Cornell Research Foundation, Inc.*, IPR 2019-00577, the PTAB issued a final written decision on July 23, 2020 (the “IPR Decision”) finding all of the claims of the ’300 patent unpatentable (Ex. A); and

WHEREAS, the Plaintiffs in the Related Matter plan to appeal the IPR Decision;

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for Plaintiffs and Defendants, subject to the approval of the Court, that all deadlines and proceedings in the above-captioned matter shall be stayed pending final resolution of any appeal of the IPR decision. In addition, to the extent no appeal of the IPR decision is timely filed by or on behalf of Plaintiffs, the above-captioned matter shall be promptly dismissed with prejudice by Plaintiffs. BASF SE hereby expressly reserves all objections as to personal jurisdiction or venue should the stay be lifted.

Dated: August 7, 2020

BAYARD, P.A.

/s/ Stephen B. Brauerman
Stephen B. Brauerman (No. 4952)
600 N. King Street Suite 400
Wilmington, DE 19801
Telephone: 302.658.6395
Facsimile: 302.655.5000
sbrauerman@bayardlaw.com

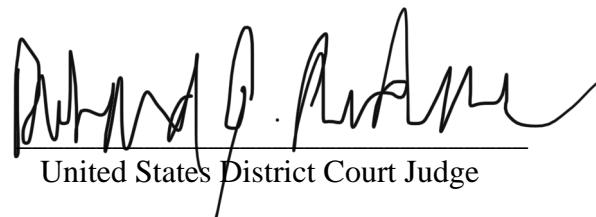
*Attorneys for Huvepharma EOOD and
Huvepharma, Inc.*

DLA PIPER LLP (US)

/s/ Brian A. Biggs
Brian A. Biggs (DE Bar No. 5591)
1201 North Market Street, Suite 2100
Wilmington, DE 19801-1147
Telephone: 302.468.5700
Facsimile: 302.394.2341
brian.biggs@us.dlapiper.com

*Attorneys for Defendants BASF
Corporation and BASF SE*

SO ORDERED this 7 day of August, 2020


United States District Court Judge